IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

WP(C).No. 5211 of 2007(S)

OP.348/2005 of FAMILY COURT,KOZHIKODE

PETITIONER:

SANTHOSH PUNATHIL,
PUNATHIL HOUSE, VADAKARA, KOZHIKODE.

BY ADV. SRI.P.V.JYOTHI PRASAD

RESPONDENTS:

K.P.MAHITHA, D/O.K.P.MADHAVA KURUP,
KULIRMATHI, POST MADAPPALLY COLLEGE,
VADAKARA.

BY ADV. SRI.V.V.SURENDRAN
SRI.P.A.HARISH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1	TRUE COPY OF THE PETITION IN O.P.NO.348/05 OF FAMILY COURT, KOZHIKODE, DATED 25.3.2005.
EXT.P2	TRUE COPY OF THE ORDER IN W.P.(C)NO.33067/06 OF THIS COURT, DATED 12.12.2006.
EXT.P3	TRUE COPY OF THE COUNTER FILED IN O.P.NO.348/05 DATED 24.1.2007.
EXT.P4	TRUE COPY OF THE PETITION IN O.P.NO.104/07 FOR RESTITUTION OF CONJUGAL RIGHTS FILED BY THE PETITIONER DATED 9.2.2007.
EXT.P5	TRUE COPY OF THE PETITION FOR JOINT TRIAL FILED BY THE PETITIONER DATED 12.12.2007.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

ahz/

KURIAN JOSEPH & K.T. SANKARAN, JJ.

W.P.(C). NO. 5211 OF 2007

Dated this the 2nd day of March,2007

JUDGMENT

Kurian Joseph, J.

All that the petitioner/husband wants is only joint trial of O.P.No.348 of 2005 with O.P.No.104 of 2007 pending before the Family Court, Kozhikode. The former is for divorce and the latter is for restitution of conjugal rights. Learned counsel for the respondent submits that another petition, O.P.No.395 of 2005, for return of ornaments is also pending before the Family Court, Kozhikode. It is further submitted that when steps were being taken to dispose of O.P.Nos.348 and 395 of 2005 only the petitioner filed O.P.No.104 of 2007 for restitution, apparently to protract the case. Learned counsel for the petitioner submits that he is working at Canada and that he has absolutely no interest in protracting the matter and his interest is only to have an expeditious disposal of all the case.

2. After having extensively heard the counsel on both sides and after having failed in the attempt made before the Lok Adalath conducted by the High Court Legal Services Committee, we are of the view that it will be in the interest of both parties to have a final disposal of all the matters. It is brought to our notice that there is no Judge in the Family Court, Kozhikode. Parties agreed that the cases can be transferred to the Family Court, Kannur.

In the above circumstances, this Writ Petition is disposed of with the following directions: (1) O.P.Nos.348 and 395 of 2005 and O.P.No.104 of 2007 will stand transferred to the Family Court, Kannur. Necessary steps in the light of this direction will be taken by the Family Court, Kozhikode within a week from the date of production of a copy of this judgment by either party. (2) The parties shall appear before the Family Court, Kannur on 26.3.2007. (3) The Family Court, Kannur shall dispose of all the cases within another two months. It is also made clear that the

trial will continue from the stage it was stopped as far as O.P.No.348 of 2005 and 395 of 2005 are concerned. The required formalities for such expeditious disposal shall be completed within the above mentioned period.

(KURIAN JOSEPH)
Judge

(K.T.SANKARAN)
Judge

ahz/